

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 764 - HB 986

February 16, 2023

SUMMARY OF BILL: Increases, from a Class A misdemeanor to a Class E felony, the punishment for the offense of assault by intentionally, knowingly, or recklessly causing bodily injury to another if the offense occurred while the defendant was trespassing on school property and was committed against a school employee.

FISCAL IMPACT:

Increase State Expenditures – \$37,300 Incarceration

Decrease Local Expenditures – \$2,900/FY23-24 and Subsequent Years

Assumptions:

- Pursuant to Tenn. Code Ann. § 39-13-101(b)(1)(A), assault by intentionally, knowingly, or recklessly causing bodily injury to another is a Class A misdemeanor offense, punishable by incarceration and a fine not to exceed \$15,000.
- The proposed legislation enhances the penalty to a Class E felony offense if the assault occurred while the defendant was trespassing on school property and was committed against a school employee.
- This analysis assumes individuals charged with assault against a school employee pursuant to this legislation would be charged with a Class A misdemeanor offense of assault pursuant to Tenn. Code Ann. § 39-13-101 under current law.
- There are approximately 83,300 public school employees in Tennessee.
- According to the National Center for Education Statistics National 2015-2016 Teacher and Principal Survey, nine percent of elementary teachers and two percent of secondary teachers reported being physically attacked by a student.
- It is reasonably assumed 2 percent or 1,666 ($83,300 \times 2.0\%$) of school employees will annually be the victim of the offense of assault, and 2 percent or 33.32 ($1,666 \times 2.0\%$) will be committed by someone trespassing on school property.
- Further, it is assumed 10 percent or 3.33 ($33.32 \times 10.0\%$) of assaults will result in arrest.
- After adjusting for pre-trial jail credits, the average time served for a Class E felony is 0.59 years.
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 0.96 percent per year (from 2018 to 2021).
- The weighted average operational costs per inmate per day are estimated to be \$50.63 for inmates housed at state facilities and \$52.11 for inmates housed at local facilities.

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- The estimated increase in incarceration costs is estimated to be the following over the next three-year period:

Increase in State Expenditures	
Amount	Fiscal Year
\$ 36,600	FY23-24
\$ 36,900	FY24-25
\$ 37,300	FY25-26

- Pursuant to Public Chapter 1007 of 2022, recurring costs increases are to be estimated on the highest of the next three fiscal years; therefore, the recurring increase in incarceration costs will be \$37,300.
- It is assumed that an individual convicted of a Class A misdemeanor offense will spend an average of 15 days in a local jail.
- The proposed legislation will result in 3.33 convictions annually serving 15 days less in local jail.
- Based on cost estimates provided by local government entities throughout the state and reported bed capacity within such facilities, the weighted average cost per day to house an inmate in a local jail facility is \$58.21.
- The recurring mandatory decrease in expenditures to local governments is estimated to be \$2,908 (3.33 convictions x \$58.21 x 15) in FY23-24 and subsequent years.
- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant. The proposed legislation will not significantly change state or local revenue.
- The estimated fiscal impact of the proposed legislation does not consider the availability of beds in state and local facilities, but is based solely on the current operating costs of state facilities and the reimbursement rates for local facilities as is required by Tenn. Code Ann. § 9-4-210.
- All calculations used in completion of this fiscal note are available upon request.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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